

1 KOUL LAW FIRM
2 Nazo Koulloukian (SBN 263809)
3 nazo@koullaw.com
4 3435 Wilshire Blvd., Suite 1710
5 Los Angeles, CA 90010
6 Telephone: (213) 761-5484
7 Facsimile: (818) 561-3938

8 LAW OFFICES OF SAHAG MAJARIAN II
9 Sahag Majarian, II (SBN 146621)
10 sahagii@aol.com
11 18250 Ventura Blvd.
12 Tarzana, CA 91356
13 Telephone: (818) 609-0807
14 Facsimile: (818) 609-0892

15 Attorneys for Plaintiff
16 SOMRET PHOUNG, all aggrieved employees, and
17 the State of California as a Private Attorneys
18 General

19 *Attorneys for Defendant's On Next Page*

20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA

22 SOMRET PHOUNG, an individual, on behalf of
23 themself and all others similarly situated,

24 Plaintiff,

25 v.

26 WINCO HOLDINGS, INC., and DOES 1-50,
27 inclusive,

28 Defendants.

Case No. 2:21-cv-02033-TLN-DB

**STIPULATION AND ORDER FOR
DISMISSAL**

1 SEYFARTH SHAW LLP
Kristina M. Launey (SBN 221335)
2 klauney@seyfarth.com
Michael W. Kopp (SBN 206385)
3 mkopp@seyfarth.com
Phillip J. Ebsworth (SBN 311026)
4 pebsworth@seyfarth.com
400 Capitol Mall, Suite 2350
5 Sacramento, California 95814-4428
Telephone: (916) 448-0159
6 Facsimile: (916) 558-4839

7 Attorneys for Defendant
WINCO HOLDINGS, INC.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Pursuant to FRCP 41(a)(1)(A)(ii), Plaintiff Somret Phoung (“Plaintiff”) and Defendant WinCo Holdings, Inc. (“Defendant”), by and through their respective counsel of record, hereby stipulate to the dismissal of this action (1) with prejudice as to Plaintiff’s individual claims and (2) without prejudice as to the claims brought on a class, collective, and representative basis. Each side it to bear its own fees and costs.

RECITALS

1. On September 24, 2021, Plaintiff filed a class action Complaint in Sacramento County Superior Court in the State of California. On November 3, 2021, Defendant removed the class action to this Court. (Dkt. 1.)

2. On October 28, 2022, the Court stayed this action pending the resolution of the related cases *Castano v. WinCo Holdings, Inc.*, Case No. 2:20-cv-01656-TLN-JDP and *Putman v. WinCo Holdings, Inc.*, Case No. 2:21-cv-01760-TLN-JDP. (Dkt. 29.)

3. On May 14, 2024, the Parties reached an agreement to settle the matter. Specifically, that Plaintiff would dismiss his individual claims with prejudice and that any remaining class, collective, and/or representative action claims would be dismissed without prejudice.

4. No motion for class certification has been filed or ruled upon by the Court. Plaintiff is also not aware of any putative class member having acted or refrained from acting based upon the existence of this case.

5. Plaintiff received consideration in exchange for dismissal of his individual claims. This consideration was received in conjunction with a settlement agreement, a material term of which was that the terms of the agreement and consideration paid is to be kept confidential.; and

6. No consideration, direct or indirect, is being given to Plaintiff or his counsel for dismissing the remaining class, collective, and representative action allegations.

For the reasons set forth above, the Parties respectfully stipulate and request that this action be dismissed as set forth above.

1 **IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.**

2
3 DATED: June 20, 2024

KOUL LAW FIRM

4
5 By: /s/ Nazo Koulloukian (as authorized on 6/20/24)
6 Nazo Koulloukian

7 Attorneys for Plaintiff
8 SOMRET PHOUNG

9 DATED: June 20, 2024

SEYFARTH SHAW LLP

10 By: /s/ Phillip J. Ebsworth

11 Kristina M. Launey
12 Michael W. Kopp
13 Phillip J. Ebsworth

14 Attorneys for Defendant
15 WINCO HOLDINGS, INC.
16
17
18
19
20
21
22
23
24
25
26
27
28

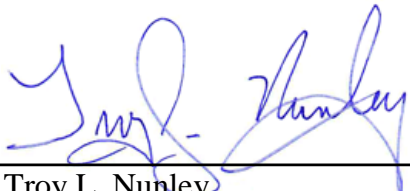
ORDER

Having considered the stipulation between the Parties, and for good cause appearing, the Court hereby ORDERS that this action be dismissed as follows:

1. Plaintiff's individual claims are dismissed with prejudice;
2. The class, collective, and representative claims are dismissed without prejudice; and
4. Each party is to bear its own attorneys' fees and costs.

IT IS SO ORDERED.

DATED: June 21, 2024



Troy L. Nunley
United States District Judge